

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LYNN KINGDON,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:21-cv-383
)	
DO IT BEST CORP.,)	
)	
Defendant.)	

NOTICE AND PETITION FOR REMOVAL

COMES NOW Defendant, Do it Best Corp., by counsel, pursuant to Title 28, United States Code, Section 1446, and respectfully petitions the Court as follows:

1. On October 5, 2021, Plaintiff filed a civil action in the Allen Superior Court, Cause No. 02D02-2110-CT-000523, originally captioned *Lynn Kingdon v. Do it Best Corp.* Plaintiff's Complaint alleges generally that Plaintiff has been discriminated against and retaliated against on the basis of her sex (female), race (Caucasian), age (over 40) and for complaining of the discrimination, in violation of her rights pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e *et. seq.*, 42 U.S.C. §1981 and the Age Discrimination in Employment Act, 29 U.S.C. §621 *et. seq.* Plaintiff also alleges that she was retaliated against for utilizing time off work pursuant to the Family Medical Leave Act.

2. The Complaint and Summons were filed in the Allen Superior Court on October 5, 2021. A true and accurate copy of the Complaint and Summons are attached hereto as Exhibit "A" and "B" respectively.

3. That on October 8, 2021, the Court issued its Order Setting Case Management Conference. A true and accurate copy of the Order is attached hereto as Exhibit "C".

4. On October 8, 2021, the undersigned entered his Appearance on behalf of Defendant. A true and accurate copy of his Appearance is attached hereto as Exhibit "D."

5. The above-described action is a civil action of which this Court has jurisdiction under the provisions of 28 U.S.C. § 1331 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(a) in that jurisdiction exists in this Court by reason of federal question jurisdiction.

6. The Defendant has filed a Notice of Filing Petition for Removal contemporaneously herewith in the Allen Superior Court.

7. By removing this matter to Federal Court, Defendant Do it Best Corp. does not waive any available defenses or admit the allegations made in the State Court Complaint.

WHEREFORE, Defendant prays that the action above now pending against it in the Allen Superior Court be removed therefrom to this Court forthwith, and for all other just and proper relief in the premises.

Respectfully submitted,

BARRETT McNAGNY LLP

By /s/ Thomas M. Kimbrough
Thomas M. Kimbrough, #5414-02
215 E. Berry Street/P. O. Box 2263
Fort Wayne, IN 46801
Phone: (260) 423-9551
Fax: (260) 423-8920
E-mail: tmk@barrettllaw.com

Attorneys for Defendant, Do it Best Corp.

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of October, 2021, electronically filed the foregoing with the Clerk of the Court using the CM/ECF which sent notification of such filing to the following:

Jennifer L. Hitchcock
Michael Middleton
116 E. Berry Street, Suite 625
Fort Wayne, IN 46802
jennifer@jhitchcocklaw.com
michael@jhitchcocklaw.com

/s/Thomas M. Kimbrough
Thomas M. Kimbrough